

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
GLORIA SANCHEZ,
Defendant.

) Case No.: 16-cr-2077-BEN
)
)
ORDER DENYING AS MOOT
DEFENDANT'S MOTION FOR
COMPASSIONATE RELEASE
UNDER THE FIRST STEP ACT, 18
U.S.C. § 3582(c)(1)(A)
)
)
[ECF No. 46]

I. INTRODUCTION

Before the Court is Gloria Sanchez's motion for compassionate release under the First Step Act, 18 U.S.C. § 3582(c)(1)(A). Federal Defenders, Inc., has reviewed the motion and indicated that assistance is not necessary.

II. BACKGROUND

On April 27, 2017, the Court sentenced Defendant to custody for a term of 87 months. According to a filing from the United States Probation Office, Defendant was scheduled to be released from federal custody on October 21, 2021. According to the Bureau of Prison's inmate locator, Ms. Sanchez was released from custody on October 21, 2021.

III. DISCUSSION

The case or controversy requirement of Article III of the Federal Constitution deprives the Court of jurisdiction to hear moot cases. *Iron Arrow Honor Soc'y v.*

1 *Heckler*, 464 U.S. 67, 70 (1983); *NAACP., Western Region v. City of Richmond*, 743
 2 F.2d 1346, 1352 (9th Cir. 1984). A case becomes moot if the “the issues presented are
 3 no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.”
 4 *Murphy v. Hunt*, 455 U.S. 478, 481 (1984). When a prisoner is released from custody,
 5 the motion for compassionate release becomes moot because there is no further relief
 6 this Court can provide. Even release to a halfway house or residential reentry center
 7 may moot a motion for compassionate release. *See e.g.*, *United States v. McCain-Bray*,
 8 No. 2:16cr00224-KJD-CWH, 2021 WL 5501103, at *1 (D. Nev. Nov. 23, 2021)
 9 (motion for compassionate release rendered moot when defendant was released from
 10 prison and transferred to a residential reentry center); *United States v. Makerson*, No.
 11 1:04cr0064-MR-WCM-1, 2021 WL 4314464, at *1 (W.D.N.C. Sept. 22, 2021) (“Given
 12 that the Defendant has now been released from Butner Low and has been transferred to
 13 a halfway house, it appears that the basis for his compassionate release request is now
 14 moot and should be denied on this basis alone.”); *but see United States v. Tarabein*, No.
 15 17cr0090-KD-B, 2021 WL 5181309 (S.D. Ala. Nov. 8, 2021) (denying compassionate
 16 release on merits while defendant released by BOP on home confinement); *United*
 17 *States v. Mathews*, No. CR 20-40029, 2021 WL 4523588 (D. S.D. Oct. 4, 2021) (same).

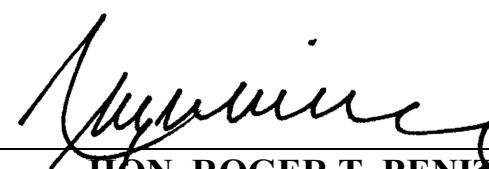
18 In this case, based on all indications, Defendant has been released from federal
 19 custody and, as a result, this motion is moot.

20 **IV. ORDER**

21 For the reasons set forth above, IT IS ORDERED that the motion be denied
 22 without prejudice.

23 **IT IS SO ORDERED.**

24 DATED: December 17, 2021



HON. ROGER T. BENITEZ
 United States District Judge